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5 Attorney for Creditor ERICH RUSSELL

6  
7 **UNITED STATES BANKRUPTCY COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**  
9

10 In re

11 NORTHERN HOLDING, LLC,

12  
13 Debtor.  
14

) Case No. 8:20-bk-13014-MW

) Chapter 7

) **DECLARATION OF ATTORNEY KARI**  
) **L. LEY IN OPPOSITION TO TRUSTEE**  
) **MOTION FOR ORDER FOR TURNOVER**  
) **OF 2380 LIVE OAK ROAD RESIDENCE**

) Hearing Set For:

) Date: August 30, 2021

) Time: 2:00 p.m.

) Place: Courtroom 6C

) United States Bankruptcy Court

) 411 W. Fourth Street

) Santa Ana, CA 92701  
19

20  
21 I, Kari L. Ley, hereby declare and state:

22 1. I am the attorney for Creditor and Respondent Erich Russell, and Respondent  
23 Joanne Russell. in the above matter. Each of the facts set forth herein are based on my own  
24 personal knowledge and if called as a witness I could competently testify thereto.

25 2. On or about August 6, 2021, I received via U.S. Mail a copy of the Trustee's  
26 Motion for Order Compelling Turnover of Estate Property including the residence commonly  
27 known as 2380 Live Oak Road on behalf of Erich Russell and Joanne Russell. I had filed a Proof  
28 of Claim in this case on behalf of Erich Russell on March 31, 2021. Joanne Russell had not

1 previously appeared in this action. On August 8, 2021, I sent a letter to the Trustee's attorney  
2 setting forth multiple concerns and objections to the turnover motion and asking him to contact  
3 me to discuss possible resolution of the matter. I did not hear back from the Trustee's attorney  
4 until mid Monday August 16, 2021. On August 13, 2021, (1 Court day before the opposition to  
5 the Trustee's turnover motion was due) I received via U.S. Mail a copy of a Supplement to the  
6 Chapter 7 Trustee's Motion for Order Compelling Turnover of Property of the Estate arguing that  
7 the recent CDC August 3, 2021 eviction moratorium order did not apply in this case.

8 3. Having not heard back from the Trustee's attorney I prepared the Russell  
9 opposition to the Trustee's turnover motion on August 15 and 16, 2021. On the evening of  
10 August 16, 2021, I attempted to efile the Russell opposition to the Trustee's turnover motion with  
11 the Court. Despite previously successfully efilng the Erich Russell Proof of Claim with the  
12 Court on March 31, 2021, the ECF efilng system would not allow me to file the Russell  
13 opposition despite attempting to do so for over an hour. The court' ECF helpdesk was not  
14 available to assist me.

15 4. The next morning on August 17, 2021, at 8:58 a.m., I contacted the Court's ECF  
16 helpdesk and spoke with Sandy who informed me that I was not able to efile the Russell  
17 opposition the day before because my Pacer and ECF accounts were not linked. Sandy helped me  
18 through the account linking process and I was able to efile the Russell opposition that morning.  
19 As a result of the unforeseen technical difficulty in filing the Russell opposition on August 16,  
20 2021, I request that the Court consider the Russell opposition to the Trustee turnover motion  
21 despite the fact that it was not filed on August 16, 2012, but on the morning on August 17, 2021.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 above is true and correct. Executed this 17th day of August 2021, at Fresno County, California.

24  
25  
26   
27 Kari L. Ley  
28

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
264 Clovis Avenue, Suite 208, Clovis CA 93612

A true and correct copy of the foregoing document entitled (*specify*): DECLARATION OF ATTORNEY KARI L. LEY IN  
OPPOSITION TO TRUSTEE MOTION FOR ORDER FOR TURNOVER OF 2380 LIVE OAK RESIDENCE

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 08/16/2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.  
Tinho Mang, Marshack Hays, LLC, 870 Rossevelt, Irvine CA 92620

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 08/16/2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Mark S. Wallace  
United States Bankruptcy Court Central District of California  
411 West Fourth Street, Suite 6135  
Sanat Ana, California 92701

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/17/2021 Kari L. Ley  
Date Printed Name

  
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.